

# ELLIS:LAWHORNE

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March 16, 2004

## **VIA ELECTRONIC MAIL AND HAND-DELIVERY**

The Honorable Bruce Duke  
Executive Director  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Petition of Verizon South, Inc. For an Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in South Carolina Pursuant to Section 252(b) of the Communications Act of 1934, as Amended, and the *Triennial Review Order*, **Docket No. 2004-0049-C**, ***Our File No. 611-10116***

Dear Mr. Duke:

On behalf of AT&T Communications of the Southern States, LLC, ("AT&T") I provide the following information with respect to the above-referenced Petition by Verizon South, Inc. ("Verizon") for Arbitration of a proposed Amendments to its Interconnection Agreements. Verizon's proposed amendment is deficient in several respects: It attempts to saddle AT&T with obligations not grounded in the TRO, it ignores obligations placed on Verizon and other ILECs by the TRO, and it fails to grapple with critical issues discussed in the TRO such as batch hot cuts, line splitting and line conditioning. In addition, it seeks to impose rates for conversions and routine network modifications that the TRO indicates must be done at Verizon's expense. As a result, Verizon's proposed amendment should be rejected.

On March 12, 2004, Verizon filed a letter with the Commission (attached hereto) proposing "that the Commission allow the CLECs to respond to Verizon's Petition for Arbitration within 25 days after March 19 (rather than within the usual 25 days after filing of the Petition.)"

Accordingly, in reliance upon Verizon's letter filed with the Commission, AT&T is not filing a response to Verizon's Petition for Arbitration at this time, and reserves the right to respond in full to Verizon's Petition (and/or the additional issues raised in any revised Amendment filed by Verizon with the Commission on or before March 19, 2004), including the ability to raise all procedural and substantive issues deemed relevant by AT&T, within twenty-five days of March 19, 2004.

(Continued . . .)

Ellis, Lawhorne & Sims, P.A., Attorneys at Law

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The Honorable Bruce Duke  
March 16, 2004  
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Further, I am asking that you add my name and the following to the service list for AT&T in this Docket:

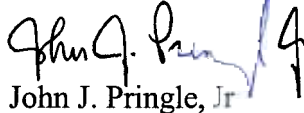
Gene V. Coker, Esquire  
**AT&T - Law & Government Affairs**  
1200 Peachtree Street, NE  
Suite 8100  
Atlanta GA 30309

All documents issued by the Commission in this Docket should be sent to Mr. Coker and me.

I ask that you please stamp as filed the enclosed copy of this letter and return it to me via the bearer of these documents. Should you have any questions, please contact me.

With kind regards, I am

Yours truly,

  
John J. Pringle, Jr

JJP/cr

cc: The Honorable Bruce Duke

March 16, 2004

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Regulatory and Governmental Affairs



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1301 Gervais Street, Suite 825  
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March 11, 2004

Mr. Bruce F. Duke  
Deputy Executive Director  
South Carolina Public Service Commission  
P.O. Drawer 11649  
Columbia, South Carolina 29211

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COMMISSION

Re: Docket Number 2004-49-C Petition of Verizon South Inc. for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in South Carolina Pursuant to Section 252 of the Communications Act of 1934 as Amended, and the Triennial Review Order.


Dear Mr. Duke:

On February 20, 2004, Verizon South Inc. initiated this consolidated arbitration to amend its interconnection agreements with CLECs and CMRS providers, in light of the FCC's changes to its network unbundling rules in its *Triennial Review Order*. Verizon's proposed amendment that is the basis of this arbitration was made available to the CLEC community on October 2, 2003, in accordance with the negotiation and arbitration procedures established in the *TRO* and section 252 of the Telecommunications Act of 1996 ("Act"). On March 2, 2004, however, the D.C. Circuit Court of Appeals issued a decision in **P - 002 / 003** issuance of its mandate for a minimum of 60 days.

Although the D.C. Circuit's ruling may not affect the language of Verizon's amendment, relatively minor revisions to that amendment might be desirable in the wake of the Court's order. If Verizon determines that it will propose any modifications to the amendment, it will file the revised amendment by Friday, March 19, 2004. Therefore, Verizon proposes that the Commission allow the CLECs to respond to

Verizon's Petition for Arbitration within 25 days after March 19 (rather than within the usual 25 days after filing of the Petition).

Respectfully submitted,



Steve Hamm

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4/16/04 10:20

Attached Service List